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**FAX TRANSMITTAL****DATE & TIME:**

Monday, August 25, 2003

**TOTAL NUMBER OF PAGES:****31****TO:**Examiner David J. Isabella  
Group 3738 – USPTO**FAX NUMBER:**

(703) 305-3580

**TELEPHONE NUMBER:****FROM:**

David B. Murphy

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**MESSAGE**

Please hand-deliver to Examiner Isabella and confirm receipt by return facsimile. Thank you.

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DEPARTMENT AT (949) 737-2981.**

FILE NO.:	491,920-029	RETURN ORIGINAL TO:	Denise
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<b>SPECIAL INSTRUCTIONS:</b>			

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Patent  
 Attorney Docket: 491,920-029  
 (prev 263/103)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

WALTER J. LEDERGERBER

Serial No.: 09/813,091

Filed: March 19, 2001

For: DUAL-SIDED, TEXTURIZED  
 BIOCOMPATIBLE STRUCTURE

Group Art Unit: 3738

Examiner: David J. Isabella

**REPLY UNDER 37 CFR § 1.116**  
**EXPEDITED PROCEDURE**  
**TECHNOLOGY CENTER 2800**

**AMENDMENT TRANSMITTAL - UNDER RULE 1.116**

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment for the above-identified application.

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
1 month	<input type="checkbox"/> \$55.00	<input type="checkbox"/> \$110.00
2 months	<input type="checkbox"/> \$205.00	<input type="checkbox"/> \$410.00
3 months	<input type="checkbox"/> \$465.00	<input type="checkbox"/> \$930.00
4 months	<input type="checkbox"/> \$725.00	<input type="checkbox"/> \$1,450.00
5 months	<input type="checkbox"/> \$985.00	<input type="checkbox"/> \$1,970.00

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

**CERTIFICATE OF FACSIMILE**  
 (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to (703) 305-3580 on the date shown below addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit  
 IRI:1046951.1

Aug 25, 2003

Denise Doss  
 Name of Person Mailing Paper  
 Denise Doss  
 Signature of Person Mailing Paper

Patent  
 Attorney Docket: 491,920-029  
 (prev 263/103)

No Extension Fees are believed due

**FEES FOR CLAIMS:**

Applicant claims small entity status pursuant to 37 CFR 1.27.

The fees for claims (37 CFR § 1.16(b)-(d)) have been calculated as shown below:

Total Claims	32	-	115 = 0	x	\$18.00	0
Independent Claims	2	-	7 = 0	x	\$84.00	0
Multiple Dependent Claims	\$280	(if applicable)		□		
<b>TOTAL OF ABOVE CALCULATIONS</b>						<b>0</b>
Reduction by ½ for Filing by Small Entity.						<input checked="" type="checkbox"/> 0
Note 37 CFR §§ 1.9, 1.27, 1.28.						<input checked="" type="checkbox"/> 0
<b>TOTAL FEES FOR CLAIMS SUBMITTED HEREWITH</b>						<b>0</b>

Additional Documents Attached Hereto: Declaration of Dr. Walter J. Ledergerber, M.D. Under 37 CFR 1.132 and Declaration of David B. Murphy

Charge O'Melveny & Myers' Deposit Account No. 500639 in the amount of \_\_\_\_\_.

The Commissioner is authorized to charge O'Melveny & Myers' Deposit Account No. 500639 for any fees required under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account 500639.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: Aug. 25, 2003

By: David B. Murphy  
 David B. Murphy  
 Reg. No. 31,125  
 Attorneys for Applicant

DBM/dnd

**34263**  
 PATENT TRADEMARK OFFICE

O'Melveny & Myers LLP  
 114 Pacifica, Suite 100  
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**AMENDMENT UNDER RULE 1.116**

Mail Stop AF  
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 Alexandria, VA 22313-1450

Sir:

This is in response to the Final Office Action mailed July 11, 2003.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

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 (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to (703) 305-3580 on the date shown below addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

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Aug 25, 2003

Denise Doss  
 Name of Person Mailing Paper  
*Denise Doss*  
 Signature of Person Mailing Paper